

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY,)
)
Plaintiff,) C.A. No. 05-108-KAJ
)
v.)
)
VAN SCOY DIAMOND MINE OF)
DELAWARE, INC., KURT VAN SCOY,)
and DONNA VAN SCOY,)
)
Defendants.)

**NOTICE OF DEPOSITION RESETING
DATE PURSUANT TO DEFENDANTS' REQUEST**

TAKE NOTICE that Plaintiff, Wayne Van Scoy, will take the deposition of Defendant Kurt Van Scoy, at the offices of Ashby & Geddes, 17th Floor, 222 Delaware Avenue, Wilmington, DE 19899, beginning at 10:00 AM on Tuesday July 26, 2005, and continuing until complete. The deposition testimony will be recorded stenographically and by videotape (sound and visual). The notice for this deposition was previously served on June 29, 2005 for July 8, 2005 and is being reserved here with the date requested and agreed to by Defendants of July 26, 2005.

Pursuant to F.R.Civ.P. 34, you are requested to produce for inspection, use as exhibits and copying at the time of the deposition:

1. A printout copy of the website hosted at www.vanscoydiamondmine.com as it existed in November of 2004 or as of the date closest in proximity to November 2004 if no copy exists from November 2004. You are specifically requested to produce a copy of the website hosted at vanscoydiamondmine.com, not vanscoydiamondmineofdelaware.com.

2. Documents sufficient to show advertising expenditures by Defendants for each year since the store operated by Van Scy Diamond Mine of Delaware, Inc. in and around November of 1994 began operation to present.

In a telephone conference, Defendants' counsel agreed to produce the foregoing documents at the time of the deposition to the extent that they exist.

Counsel are invited to attend and take part as permitted by the Rules.

ASHBY & GEDDES

/s/ John G. Day

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Dated: July 8, 2005

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